

Message Text

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ORIGIN ERDA-07

INFO OCT-01 NEA-10 IO-10 ISO-00 OES-03 ACDA-05 CIAE-00

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APPROVED BY:OES/NET/IM:D.B.HOYLE

USERDA:IP/DIR:ASFRIEDMAN

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TO USMISSION IAEA VIENNA PRIORITY

INFO AMEMBASSY TEL AVIV

C O N F I D E N T I A L STATE 194338

E.O. 11652: GDS

TAGS: PARM, TECH, IAEA, IS, US

SUBJECT: US-IAEA-ISRAEL SAFEGUARDS TRANSFER AGREEMENT: SAFEGUARDS
ON HEAVY WATER

REF: (A) STATE 49716

(B) IAEA VIENNA 1619

(C) MISSION LTR TO ROMETSCH DATED 10/9/73,

REGARDING REVISED U.S. POLICY ON HEAVY WATER SAFEGUARDS

1. UNDER COVER OF JULY 9 LETTER, ISRAELI EMBASSY SENT ERDA
(FRIEDMAN) COPY OF JULY 6 LETTER TO ROMETSCH FROM PELEG, ADMINIS-
TRATIVE DIRECTOR OF ISRAELI ATOMIC ENERGY COMMISSION, STATING
THAT THE 4 METRIC TONS OF U.S.-SUPPLIED HEAVY WATER ARE NOT BEING
AND WILL NOT BE USED AS MODERATOR MATERIAL IN A REACTOR, AND
ASKING IAEA THEREFORE TO REGARD HEAVY WATER AS COVERED
BY REF. C PARA. 3 (WHICH STATES THAT U.S. WILL NOT REQUIRE
SAFEGUARDS WHERE SATISFACTORY ASSURANCE IS PROVIDED BY RECIP-
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IENT COUNTRY THAT HEAVY WATER WILL NOT BE USED AS MODERATOR

MATERIAL FOR A REACTOR). COPY OF PELEG LETTER ALSO HAND-CARRIED TO WASHINGTON BY JOHN MAHY, TOGETHER WITH COPY OF ROMETSCH JULY 22 REPLY.

2. AS MISSION AND AGENCY AWARE, THIS HEAVY WATER ALREADY LISTED ON TRILATERAL INVENTORY CANNOT BE EXEMPTED FROM SAFEGUARDS WITHOUT U.S. CONSENT. MISSION REQUESTED ADVISE AGENCY THAT U.S. WILL BE UNABLE TO GIVE SUCH CONSENT.

3. MATERIAL WAS SUPPLIED TO ISRAEL UNDER A CONTRACT WHICH STIPULATED THAT IT WOULD BE SUBJECT TO ALL TERMS AND CONDITIONS OF U.S.-ISRAEL AGREEMENT FOR COOPERATION AND THAT SAFEGUARDS SET FORTH IN THAT AGREEMENT WOULD APPLY AS LONG AS HEAVY WATER REMAINED WITHIN ISRAEL JURISDICTION. U.S. AGREEMENT TO WAIVE SAFEGUARDS, IN DISREGARD OF CONTRACT STIPULATION AND PROVISIONS OF AGREEMENT FOR COOPERATION, ON THIS QUANTITY OF HEAVY WATER SUPPLIED FOR USE AS MODERATOR IN SUB-CRITICAL ASSEMBLY BUT CAPABLE OF OTHER USES (E.G., IN UNSAFEGUARDED DIMONA REACTOR) WOULD BE CONTRARY TO U.S. BEST INTERESTS.

4. WE DO NOT REGARD INSISTENCE THAT THIS HEAVY WATER REMAIN SUBJECT TO SAFEGUARDS AS IN CONFLICT WITH U.S. POLICY REFLECTED IN REF. C PARAS. 2 AND 3. INTENT OF THAT POLICY IS TO ASSURE SAFEGUARDS ON SIGNIFICANT QUANTITIES I.E., OVER 3 METRIC TONS, OF HEAVY WATER EXPORTED TO NON-NPT STATES AS MODERATOR. REF C ONLY MENTIONS REACTORS, BUT THERE APPEARED NO NEED IN A STATEMENT OF GENERAL POLICY TO SPECIFY ALSO RELATED FACILITIES SUCH AS CRITICAL AND SUB-CRITICAL ASSEMBLIES. IF AT PRESENT TIME THE U.S. WERE TO APPROVE EXPORT OF FOUR TONS OF HEAVY WATER FOR USE AS MODERATOR IN SUB-CRITICAL FACILITY IN NON-NPT COUNTRY, U.S. WOULD REQUIRE MATERIAL TO BE SUBJECT TO AGREEMENT FOR COOPERATION AND, THEREFORE, TO SAFEGUARDS, UNLESS SPECIAL CIRCUMSTANCES MADE DOING SO SEEM UNNECESSARY. NO SUCH SPECIAL CIRCUMSTANCES EXIST WITH RESPECT TO ISRAEL.

5. AS STATED REF. A. PARA. 3, U.S. SHARES AGENCY VIEW (REF. B PARA.3) THAT SUBSIDIARY ARRANGEMENTS ON THIS HEAVY WATER SHOULD REQUIRE PROVISION FOR PERIODIC INSPECTION. WE HOPE THAT SUBSIDIARY ARRANGEMENTS INCLUDING SUCH PROVISION WILL BE COMPLETED WITHOUT FURTHER DELAY SO THAT INITIAL INSPECTION CAN TAKE PLACE

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IN NEAR FUTURE. MISSION REQUESTED ADVISE US PROMPTLY OF ANY INFORMATION IT MAY BE ABLE TO OBTAIN ON PERTINENT ARRANGEMENTS. FYI IF APPROPRIATE IAEA SAFEGUARDS MEASURES NOT APPLIED SOON, U.S. SUFFICIENTLY CONCERNED ABOUT THIS MATERIAL TO CONSIDER PROPOSING BOARD DETERMINATION, UNDER SECTION 7 OF NEW TRILATERAL, THAT AGENCY IS UNABLE TO SAFEGUARD THIS MATERIAL. THIS WOULD LEAD TO REMOVAL OF MATERIAL FROM INVENTORY AND PAVE WAY FOR U.S. REAPPLICATION OF BILATERAL SAFEGUARDS, END FYI. SISCO

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